

M. GALE LEMMON #4363
Assistant Attorney General
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Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

MOUNTAIN VIEW TITLE & ESCROW, INC.

License No. 2164

and

MICHELLE McGUIRE JENSEN

License No. 199870

5732 South 1475 East, Suite 100

Ogden, UT 84403

**STIPULATION
&
ORDER**

Docket No. 2008-160 PC

Enf. Case Nos. 2250 & 2260

STIPULATION

1. Respondent Mountain View Title & Escrow, Inc. ("Mountain View") is a licensed title insurance agency in the State of Utah, holding License No. 2164. Respondent Michelle McGuire Jensen ("Jensen") is a licensed title insurance agent in the State of Utah, holding License No. 199870, and is an employee of Respondent Mountain View.

2. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:

a. If a hearing were held, witnesses called by the Complainant could offer and

introduce evidence that would support the Findings of Fact herein;

b. Respondents admit the Findings of Fact and Conclusions made therefrom;

c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agrees to be bound by all its terms.


3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

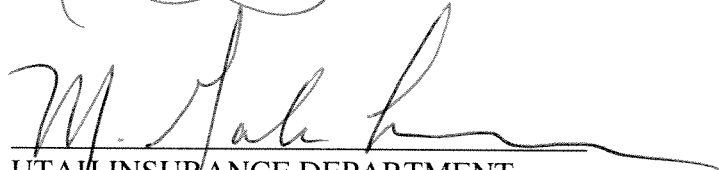
5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 28 day of October, 2008.


MOUNTAIN VIEW TITLE & ESCROW, INC.
Michael Hendry, President


MICHELLE MCGUIRE JENSEN


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about April 27, 2007, Respondent Mountain View began employing Respondent Jensen.
2. Respondent Jensen's title escrow agent's license expired on April 30, 2007, and was not reinstated until July 25, 2008.
3. During the time that Respondent Jensen's license had lapsed she conducted at least 113 escrow transactions for Respondent Mountain View without being licensed.
4. In April of 2008, upon learning that Respondent Jensen's license had expired, Respondent Mountain View immediately suspended Respondent Jensen and reassigned all pending escrows in which she was involved.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In acting as an agent without being licensed, Respondent Jensen violated Utah Code Annotated §§ 31A-23a-103(1)(a) and 31A-23a-406.
2. In utilizing the services of Respondent Jensen as a title escrow agent while she was unlicensed, Respondent Mountain View violated Utah Code Annotated § 31A-23a-103(1)(c).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following recommended Order:

RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

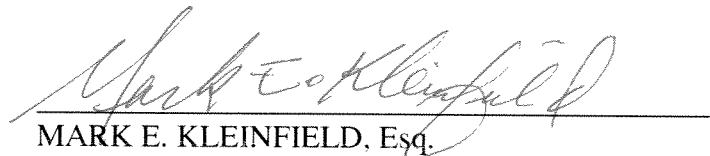
1. Respondent Mountain View Title & Escrow, Inc. be assessed an administrative forfeiture in the amount of \$6,000.00, to be paid within 30 days of the date of the imposition of the penalty by the Title and Escrow Commission.

2. Respondent Michelle McGuire Jensen be assessed an administrative forfeiture in the amount of \$5,000.00, of that amount, \$2,500.00 to be paid within 30 days of the imposition of the penalty by the Title and Escrow Commission, and \$2,500.00 to be paid within 60 days of the imposition of the penalty by the Title and Escrow Commission.

3. Respondent Michelle McGuire Jensen's title agent's license be placed on probation for a period of 12 months beginning from the date of the imposition of the penalty by the Title and Escrow Commission. The terms of the probation to be that Respondent Jensen shall pay the forfeiture assessed in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

DATED this 19th day of November, 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY

By a vote of 4 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalties recommended herein above.

DATED this 8 day of Dec, 2008.


Canyon Anderson, Chairman
Title and Escrow Commission

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.


You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CONCURRENCE WITH COMMISSION IMPOSED PENALTY

On behalf of the Commissioner of the Utah Insurance Department I hereby concur with the penalty imposed by the Utah Title Commission in the above matter.

DATED this 15 day of December 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge

CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION
&
ORDER

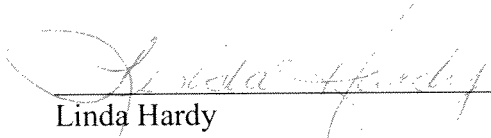
To the following:

Mountain Title & Ecsrow, Inc.
5732 South 1475 East, Suite 100
Ogden, Utah 84403

&

Michelle McGuire Jensen
5732 South 1475 East, Suite 100
Ogden, Utah 84403

DATED this 15th day of December 2008.



Linda Hardy

Court Clerk

Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901

**UTAH
Invoice**

Page 1

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$6,000.00
Due Date: January 24, 2009
Invoice ID: 399414

MOUNTAIN VIEW TITLE ESCROW INC
5732 SOUTH 1475 EAST STE 100
OGDEN UT 84403

Item Description	Amount
Monetary Penalty Agency	\$6,000.00
Original Amount Due	\$6,000.00

**UTAH
Invoice**

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$6,000.00
Due Date: January 24, 2009
Invoice ID: 399414

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Detach and Return with Payment

**UTAH
Invoice**

Page 1

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$2,500.00
Due Date: January 15, 2009
Invoice ID: 399415

JENSEN MICHELLE MCGUIRE
14817 S ALDEN VIEW CIR
HERRIMAN UT 84088

Item Description	Amount
Monetary Penalty Individual	\$2,500.00
Original Amount Due	\$2,500.00

**UTAH
Invoice**

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$2,500.00
Due Date: January 15, 2009
Invoice ID: 399415

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Detach and Return with Payment